

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

\*\*\*\*\*

JAMIE LEE PETERSON,

Plaintiff,

v

HON. PAUL L. MALONEY  
U.S. DISTRICT COURT JUDGE

FILE NO. 1:15-cv-00969

DAVID HEYMES, GREG SOMERS,  
MARK URIBE, DAVID ISRAEL,  
VILLAGE OF KALKASKA COUNTY OF  
KALKASKA, UNNAMED OFFICERS  
OF THE MICHIGAN STATE POLICE, and  
UNNAMED OFFICERS OF THE  
KALKASKA POLICE  
DEPARTMENT,

Defendants.

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Roshna Bala Keen  
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Attorneys for Defendants County and Israel  
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**STIPULATION AND ORDER FOR STAY OF PROCEEDINGS DURING  
INTERLOCUTORY IMMUNITY APPEAL**

NOW COME the parties herein, by and through their respective attorneys, hereby stipulate and agree to the following:

1. Plaintiff Jamie Lee Peterson seeks to recover damages from Defendants on multiple federal and state-law claims arising from these Defendants' supposed role in allegedly coercive interrogations and manipulation of evidence that Peterson believes caused him to be wrongfully prosecuted and convicted of a sexual assault for which the conviction was later vacated.

2. Defendants sought dismissal under Fed. R. Civ. P. 8(a) and 12(b)(6) on grounds including "qualified immunity" against Peterson's federal claims and "governmental immunity" against Peterson's state-law claims.

3. This Court converted the Defendants' motion to one for summary judgment under Fed. R. Civ. P. 56.

4. By its opinion and order entered September 29, 2017, this Court denied the motion by Defendants.

5. Defendants have filed their Notices of Appeal to the Sixth Circuit challenging the denial of their "qualified immunity" and "governmental immunity."

6. The appeal by Defendants is now pending in the United States Court of Appeals for the Sixth Circuit.

7. Federal "qualified immunity" is "an entitlement not to stand trial or face other burdens of litigation," and the Supreme Court has recognized that the benefit of such immunity is "effectively lost" if governmental defendants are erroneously required to continue litigation of their case in the trial court. *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

8. The parties hereby stipulate to a stay of the District Court case pending the outcome of the appeal in the Sixth Circuit.

APPROVED AS TO FORM:

/s/ Roshna Keen  
Gayle Horn  
Roshna Bala Keen  
LOEVY & LOEVY  
Attorneys for Plaintiff  
Dated: November 2, 2017

/s/ Joseph Froehlich  
Joseph T. Froehlich (P71887)  
John G. Fedynsky (P65232)  
MICH DEPT. OF ATTORNEY GENERAL  
Attorneys for Defendants Somers and Uribe  
Dated: November 6, 2017

/s/ Christopher Raiti  
G. Gus Morris (P32960)  
Christopher Raiti (P68600)  
McGRAW MORRIS, P.C.  
Attorneys for Defendants Village and Heymes  
Dated: November 2, 2017

/s/ Gregory R. Grant  
Gregory R. Grant (P68808)  
CUMMING, McCLOREY, DAVIS &  
ACHO, PLC  
Attorneys for Defendants ISRAEL and COUNTY  
Dated: November 6, 2017

## ORDER

At a session of said Court  
held on the        day of       , 2017.

PRESENT: HONORABLE PAUL L. MALONEY  
U.S. DISTRICT COURT JUDGE

Having read and filed the attached Stipulation, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the District Court case is hereby STAYED pending the outcome of the appeal in the Sixth Circuit.

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PAUL L. MALONEY, U.S. District Court Judge  
Dated:

## Laurie Robbins

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**From:** Roshna Bala Keen <roshna@loevy.com>  
**Sent:** Thursday, November 2, 2017 9:48 AM  
**To:** Laurie Robbins  
**Cc:** gayle@loevy.com; gmorris@mcgrawmorris.com; craiti@mcgrawmorris.com; froehlochj@michigan.gov; fedynskyj@michigan.gov; Gregory R. Grant  
**Subject:** Re: Peterson v Kalkaska County, et al - Proposed Stip and Order for Stay of Proceedings

Yes, looks fine. Thanks.

On Thursday, November 2, 2017, Laurie Robbins <[lrobbins@cmda-law.com](mailto:lrobbins@cmda-law.com)> wrote:

Attached is the revised Stip & Order. We removed paragraph 8. Please let us know if we have permission to sign the original.

Thank you,

## Laurie Robbins

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**From:** Christopher J. Raiti <[craiti@mcgrawmorris.com](mailto:craiti@mcgrawmorris.com)>  
**Sent:** Thursday, November 2, 2017 10:10 AM  
**To:** Laurie Robbins; 'Roshna Bala Keen'  
**Cc:** [gayle@loevy.com](mailto:gayle@loevy.com); [gmorris@mcgrawmorris.com](mailto:gmorris@mcgrawmorris.com); [froehlochj@michigan.gov](mailto:froehlochj@michigan.gov); [fedynskyj@michigan.gov](mailto:fedynskyj@michigan.gov); Gregory R. Grant  
**Subject:** RE: Peterson v Kalkaska County, et al - Proposed Stip and Order for Stay of Proceedings

The Village Defendants consent.

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**From:** Laurie Robbins [mailto:[lrobbins@cmda-law.com](mailto:lrobbins@cmda-law.com)]  
**Sent:** Thursday, November 02, 2017 9:46 AM  
**To:** Roshna Bala Keen  
**Cc:** [gayle@loevy.com](mailto:gayle@loevy.com); [gmorris@mcgrawmorris.com](mailto:gmorris@mcgrawmorris.com); [craiti@mcgrawmorris.com](mailto:craiti@mcgrawmorris.com); [froehlochj@michigan.gov](mailto:froehlochj@michigan.gov); [fedynskyj@michigan.gov](mailto:fedynskyj@michigan.gov); Gregory R. Grant  
**Subject:** RE: Peterson v Kalkaska County, et al - Proposed Stip and Order for Stay of Proceedings

Attached is the revised Stip & Order. We removed paragraph 8. Please let us know if we have permission to sign the original.

Thank you,

Laurie Robbins

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**From:** Froehlich, Joseph (AG) <FroehlichJ@michigan.gov>  
**Sent:** Monday, November 6, 2017 12:50 PM  
**To:** Laurie Robbins  
**Cc:** G. Gus Morris; Christopher James Raiti; Gregory R. Grant  
**Subject:** RE: Jamie Lee Peterson matters

Has everyone approved it but me? You can indicate my consent and file with the Court.

Thanks

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**From:** Laurie Robbins [mailto:[lrobbins@cmda-law.com](mailto:lrobbins@cmda-law.com)]  
**Sent:** Monday, November 6, 2017 12:05 PM  
**To:** Froehlich, Joseph (AG) <FroehlichJ@michigan.gov>  
**Cc:** G. Gus Morris <[gmorris@mcgrawmorris.com](mailto:gmorris@mcgrawmorris.com)>; Christopher James Raiti <[craiti@mcgrawmorris.com](mailto:craiti@mcgrawmorris.com)>; Gregory R. Grant <[ggrant@cmda-law.com](mailto:ggrant@cmda-law.com)>  
**Subject:** RE: Jamie Lee Peterson matters

Attached is the proposed Stip & Order that was emailed on 11/2.

Thank you,